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COMPILATION OF RULES OF PROCEDURE ADOPTED BY HUMAN RIGHTS TREATY BODIES

Addendum

This document contains the updated rules of procedure of the Committee on the Elimination of Discrimination against Women.

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Chapter IV

RULES OF PROCEDURE OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN*

* This chapter is taken from the document A/56/38(SUPP).

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PART ONE

General rules

I. SESSIONS

Rule 1

Sessions

The Committee on the Elimination of Discrimination against Women (hereinafter referred to as "the Committee") shall hold such sessions as may be required for the effective performance of its functions in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as "the Convention").

Rule 2

Regular sessions

1. The Committee shall hold such regular sessions each year as shall be authorized by the States parties to the Convention.

2. Regular sessions of the Committee shall be convened on dates decided upon by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences and meetings approved by the General Assembly.

Rule 3

Special sessions

1. Special sessions of the Committee shall be convened by decision of the Committee or at the request of a State party to the Convention. The Chairperson of the Committee may also convene special sessions:

(a) At the request of a majority of members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the Committee.

Rule 4

Pre-sessional working group

1. A pre-sessional working group, which shall consist of no more than five members of the Committee designated by the Chairperson in consultation with the Committee at a regular session, and reflecting equitable geographical representation, shall normally be convened prior to each regular session.

2. The pre-sessional working group shall formulate a list of issues and questions on substantive issues arising from reports submitted by States parties in accordance with article 18 of the Convention and submit that list of issues and questions to the States parties concerned.

Rule 5

Place of sessions

Sessions of the Committee shall normally be held at the Headquarters or the other offices of the United Nations. Another venue for a session may be proposed by the Committee in consultation with the Secretary-General.

Rule 6

Notification of opening date of sessions

The Secretary-General shall notify members of the Committee of the date, duration and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance.

II. AGENDA

Rule 7

Provisional agenda

The provisional agenda for each regular or special session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairperson of the Committee;

(c) Any item proposed by a member of the Committee;

(d) Any item proposed by a State party to the Convention;

(e) Any item proposed by the Secretary-General relating to her or his functions under the Convention or the present rules of procedure.

Rule 8

Transmission of the provisional agenda

The provisional agenda and the basic documents relating to each item thereof, the report of the pre-sessional working group, the reports of States parties submitted under article 18 of the Convention and the responses by States parties to issues raised by the pre-sessional working group shall be prepared in all of the official languages of the United Nations by the Secretary-General, who shall endeavour to have the documents transmitted to members of the Committee at least six weeks prior to the opening of the session.

Rule 9

Adoption of the agenda

The first item on the provisional agenda for any session shall be the adoption of the agenda.

Rule 10

Revision of the agenda

During a session, the Committee may amend the agenda and may, as appropriate, delete or defer items by the decision of a majority of the members present and voting. Additional items of an urgent nature may be included in the agenda by a majority of the members.

III. MEMBERS OF THE COMMITTEE

Rule 11

Members of the Committee

Members of the Committee may not be represented by alternates.

Rule 12

Term of office

The term of office of members begins:

(a) On the 1st day of January of the year after their election by the meeting of States parties and shall end on the 31st day of December four years later;

(b) On the date of the approval by the Committee, if appointed to fill a casual vacancy, and shall end on the date of expiration of the term of office of the member or members being replaced.

Rule 13

Casual vacancies

1. A casual vacancy may occur through death, the inability of a Committee member to perform her or his function as a member of the Committee or the resignation of a member of the Committee. The Chairperson shall immediately notify the Secretary-General who shall inform the State party of the member so that action may be taken in accordance with article 17, paragraph 7, of the Convention.

2. Notification of the resignation of a member of the Committee shall be in writing to the Chairperson or to the Secretary-General, and action shall be taken in accordance with article 17, paragraph 7, of the Convention only after such notification has been received.

3. A member who is unable to attend meetings of the Committee shall inform the Secretary-General as early as possible and, if this inability is likely to be extended, the member should resign.

4. When a member of the Committee is consistently unable to carry out her or his functions for any cause other than absence of a temporary nature, the Chairperson shall draw the above rule to her or his attention.

5. Where a member of the Committee has rule 13, paragraph 4, drawn to her or his attention and does not resign in accordance with that rule, the Chairperson shall notify the Secretary-General who shall then inform the State party of the member to enable action to be taken in accordance with article 17, paragraph 7, of the Convention.

Rule 14

Filling casual vacancies

1. When a casual vacancy within article 17, paragraph 7, of the Convention occurs in the Committee, the Secretary-General shall immediately request the State party that had nominated that member to appoint, within a period of two months, another expert from among its nationals to serve for the remainder of the predecessor's term.

2. The name and curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling the casual vacancy.

Rule 15

Solemn declaration

Upon assuming their duties, members of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I shall perform my duties and exercise powers as a member of the Committee on the Elimination of Discrimination against Women honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Rule 16

Election of officers of the Committee

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur with due regard to equitable geographical representation.

Rule 17

Term of office

The officers of the Committee shall be elected for a term of two years and be eligible for re-election provided that the principle of rotation is upheld. None of them, however, may hold office if she or he ceases to be a member of the Committee.

Rule 18

Functions of the Chairperson

1. The Chairperson shall perform the functions conferred upon her or him by these rules of procedure and the decisions of the Committee.

2. In the exercise of those functions the Chairperson shall remain under the authority of the Committee.

3. The Chairperson shall represent the Committee at United Nations meetings in which the Committee is officially invited to participate. If the Chairperson is unable to represent the Committee at such a meeting, she or he may designate another officer of the Committee or, if no officer is available, another member of the Committee, to attend on her or his behalf.

Rule 19

Absence of the Chairperson at meetings of the Committee

1. If the Chairperson is unable to be present at a meeting or any part thereof, she or he shall designate one of the Vice-Chairpersons to act in her or his place.

2. In the absence of such a designation, the Vice-Chairperson to preside shall be chosen according to the names of the Vice-Chairpersons as they appear in English alphabetical order.

3. A Vice-Chairperson acting as a Chairperson shall have the same powers and duties as the Chairperson.

Rule 20

Replacement of officers

If any of the officers of the Committee ceases to serve or declares her or his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer from the same region shall be elected for the unexpired term of her or his predecessor.

V. SECRETARIAT

Rule 21

Duties of the Secretary-General

1. At the request or by decision of the Committee and approval by the General Assembly:

(a) The secretariat of the Committee and of such subsidiary bodies established by the Committee ("the Secretariat") shall be provided by the Secretary-General;

(b) The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions under the Convention;

(c) The Secretary-General shall be responsible for all necessary arrangements for meetings of the Committee and its subsidiary bodies.

2. The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions that may be brought before it for consideration or of any other developments that may be of relevance to the Committee.

Rule 22

Statements

The Secretary-General or her or his representative shall be present at all meetings of the Committee and may make oral or written statements at such meetings or at meetings of its subsidiary bodies.

Rule 23

Financial implications

Before any proposal that involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Rule 24

Official languages

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

Rule 25

Interpretation

1. Statements made in an official language shall be interpreted into the other official languages.

2. Any speaker addressing the Committee in a language other than one of the official languages shall normally provide for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the Secretariat shall be based upon the interpretation given in the first official language.

Rule 26

Language of documents

1. All official documents of the Committee shall be issued in the official languages of the United Nations.

2. All formal decisions of the Committee shall be made available in the official languages of the United Nations.

VII. RECORDS

Rule 27

Records

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the members.

2. Summary records are subject to correction, to be submitted to the Secretariat by participants in the meetings in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued after the conclusion of the relevant session.

3. The summary records of public meetings shall be documents for general distribution unless in exceptional circumstances the Committee decides otherwise.

4. Sound recordings of meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.

VIII. CONDUCT OF BUSINESS

Rule 28

Public and private meetings

1. The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

2. Meetings at which concluding comments on reports of States parties are discussed, as well as meetings of the pre-sessional working group and other working groups, shall be closed unless the Committee decides otherwise.

3. No person or body shall, without the permission of the Committee, film or otherwise record the proceedings of the Committee. The Committee shall, if necessary, and before giving such permission, seek the consent of any State party reporting to the Committee under article 18 of the Convention to the filming or other recording of the proceedings in which it is engaged.

Rule 29

Quorum

Twelve members of the Committee shall constitute a quorum.

Rule 30

Powers of the Chairperson

1. The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of the present rules, accord the right to speak, put questions to the vote and announce decisions.

2. The Chairperson, subject to the present rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings.

3. The Chairperson may, in the course of the discussion of an item, including the examination of reports submitted under article 18 of the Convention, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers.

4. The Chairperson shall rule on points of order. She or he shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if her or his remarks are not relevant to the subject under discussion.

5. During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed.

IX. VOTING

Rule 31

Adoption of decisions

1. The Committee shall endeavour to reach its decisions by consensus.

2. If and when all efforts to reach consensus have been exhausted, decisions of the Committee shall be taken by a simple majority of the members present and voting.

Rule 32

Voting rights

1. Each member of the Committee shall have one vote.

2. For the purpose of these rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 33

Equally divided votes

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as having been rejected.

Rule 34

Method of voting

1. Subject to rule 39 of the present rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

2. The vote of each member participating in a roll-call shall be inserted in the record.

Rule 35

Conduct during voting and explanation of vote

After voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of vote may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Rule 36

Division of proposals

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal that have been approved shall then be put to the vote as a whole; if all operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 37

Order of voting on amendments

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 38

Order of voting on proposals

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before those proposals.

Rule 39

Method of election

An election shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Rule 40

Conduct of elections for filling one elective place

1. When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the largest number of votes.

2. If in the second ballot the votes are equally divided, and a majority is required, the Chairperson shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast provided that, after the third inconclusive ballot, votes may be cast for any eligible member.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a member is elected.

X. SUBSIDIARY BODIES

Rule 41

Subsidiary bodies

1. The Committee may set up ad hoc subsidiary bodies and will define their composition and mandates.

2. Each subsidiary body shall elect its own officers and will, mutatis mutandis, apply the present rules of procedure.

XI. ANNUAL REPORT OF THE COMMITTEE

Rule 42

Annual report of the Committee

1. As provided in article 21, paragraph 1, of the Convention, the Committee shall submit to the General Assembly, through the Economic and Social Council, an annual report on its activities which shall contain, inter alia, the concluding comments of the Committee relating to the report of each State party, and information relating to its mandate under the Optional Protocol to the Convention.

2. The Committee shall also include in its report suggestions and general recommendations, together with any comments received from States parties.

XII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS

Rule 43

Distribution of reports and other official documents

1. Reports, formal decisions, pre-sessional documents and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution unless the Committee decides otherwise.

2. Reports and additional information submitted by States parties under article 18 of the Convention shall be documents for general distribution.

XIII. PARTICIPATION OF SPECIALIZED AGENCIES AND BODIES OF THE UNITED NATIONS AND OF INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Rule 44

Participation of specialized agencies and bodies of the United Nations and of intergovernmental and non-governmental organizations

The Secretary-General shall notify each specialized agency and United Nations body as early as possible of the opening date, duration, place and agenda of each session of the Committee and of the pre-sessional working group.

Rule 45

Specialized agencies

1. In accordance with article 22 of the Convention, the Committee may invite specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities. Any such reports shall be issued as pre-sessional documents.

2. Specialized agencies shall be entitled to be represented at meetings of the Committee or of the pre-sessional working group when the implementation of such provisions of the Convention as fall within the scope of their activities is being considered. The Committee may permit representatives of the specialized agencies to make oral or written statements to the Committee or to the pre-sessional working group, and to provide information appropriate and relevant to the Committee's activities under the Convention.

Rule 46

Intergovernmental organizations and United Nations bodies

Representatives of intergovernmental organizations and United Nations bodies may be invited by the Committee to make oral or written statements and provide information or documentation in areas relevant to the Committee's activities under the Convention, to meetings of the Committee or to its pre-sessional working group.

Rule 47

Non-governmental organizations

Representatives of non-governmental organizations may be invited by the Committee to make oral or written statements and to provide information or documentation relevant to the Committee's activities under the Convention to meetings of the Committee or to its pre-sessional working group.

PART TWO

Rules relating to the functions of the Committee

XIV. REPORTS OF STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Rule 48

Submission of reports under article 18 of the Convention

1. The Committee shall examine the progress made in the implementation of the Convention through the consideration of reports of States parties submitted to the Secretary-General on legislative, judicial, administrative and other measures.

2. In order to assist States parties in their reporting tasks, the Committee shall issue general guidelines for the preparation of initial reports and of periodic reports, taking into account the consolidated guidelines, common to all the human rights treaty bodies, for the first part of initial and periodic reports of States parties.

3. Taking into account the consolidated guidelines relating to the reports required under United Nations human rights treaties, the Committee may formulate general guidelines as to the form and content of the initial and periodic reports of States parties required under article 18 of the Convention and shall, through the Secretary-General, inform the States parties of the Committee's wishes regarding the form and content of such reports.

4. A State party reporting at a session of the Committee may provide additional information prior to the consideration of the report by the Committee, provided that such information reaches the Secretary-General no later than four months prior to the opening date of the session at which the report of the State party is to be considered.

5. The Committee may request a State party to submit a report on an exceptional basis. Such reports shall be limited to those areas on which the State party has been requested to focus its attention. Except when the Committee requests otherwise, such reports shall not be submitted in substitution for an initial or periodic report. The Committee shall determine the session at which an exceptional report shall be considered.

Rule 49

Failure to submit or late submission of reports

1. At each session of the Committee, the Secretary-General shall notify the Committee of all cases of non-submission of reports and additional information under rules 48 and 50 of the present rules. In such cases, the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or the additional information.

2. If, after the reminder referred to in paragraph 1 of the present rule, the State party does not submit the report or the additional information sought, the Committee may include a reference to this effect in its annual report to the General Assembly.

3. The Committee may allow States parties to submit a combined report comprising no more than two overdue reports.

Rule 50

Request for additional information

1. When considering reports submitted by a State party under article 18 of the Convention, the Committee, and in particular its pre-sessional working group, shall first satisfy itself that, in accordance with the Committee's guidelines, the report provides sufficient information.

2. If, in the opinion of the Committee, or of the pre-sessional working group, a report of a State party does not contain sufficient information, it may request the State concerned to furnish such additional information as required, indicating the time limit within which the information should be submitted.

3. The questions or comments forwarded by the pre-sessional working group to the State party whose report is under consideration and the response of the State party thereto shall, in accordance with the present rule, be circulated to members of the Committee prior to the session at which the report is to be examined.

Rule 51

Examination of reports

1. At each session, the Committee, based on the list of reports awaiting consideration, shall decide which reports of States parties it will consider at its subsequent session, bearing in mind the duration of the subsequent session and the criteria of date of submission and geographical balance.

2. The Committee, through the Secretary-General, shall notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. The States parties shall be requested to confirm in writing, within a specified time, their willingness to have their reports examined.

3. The Committee at each session shall also establish and circulate to the States parties concerned a reserve list of reports for consideration at its subsequent session in the event that a State party invited in accordance with the present rule is unable to present its report. In such case, the State party chosen from the reserve list shall be invited by the Committee, through the Secretary-General, to present its report without delay.

4. Representatives of the States parties shall be invited to attend the meetings of the Committee at which their reports are to be examined.

5. If a State party fails to respond to an invitation to have a representative attend the meeting of the Committee at which its report is being examined, consideration of the report shall be rescheduled for another session. If, at such a subsequent session, the State party, after due notification, fails to have a representative present, the Committee may proceed with the examination of the report in the absence of the representative of the State party.

Rule 52

Suggestions and general recommendations

1. In accordance with article 21, paragraph 1, of the Convention, and on the basis of its examination of reports and information received from States parties, the Committee may make general recommendations addressed to States parties.

2. The Committee may make suggestions addressed to bodies other than States parties arising out of its consideration of reports of States parties.

Rule 53

Concluding comments

1. The Committee may, after consideration of the report of a State party, make concluding comments on the report with a view to assisting the State party in implementing its obligations under the Convention. The Committee may include guidance on the issues on which the next periodic report of the State party should be focused.

2. The Committee shall adopt the concluding comments before the closure of the session at which the report of the State party was considered.

Rule 54

Working methods for examining reports

The Committee shall establish working groups to consider and suggest ways and means of expediting its work and of implementing its obligations under article 21 of the Convention.

XV. GENERAL DISCUSSION

Rule 55

General discussion

In order to enhance understanding of the content and implications of the articles of the Convention or to assist in the elaboration of general recommendations, the Committee may devote one or more meetings of its regular sessions to a general discussion of specific articles of or themes relating to the Convention.

PART THREE

Rules of procedure for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

XVI. PROCEDURES FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

Rule 56

Transmission of communications to the Committee

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 2 of the Optional Protocol.

2. The Secretary-General may request clarification from the author or authors of a communication as to whether she, he or they wish to have the communication submitted to the Committee for consideration under the Optional Protocol. Where there is doubt as to the wish of the author or authors, the Secretary-General will bring the communication to the attention of the Committee.

3. No communication shall be received by the Committee if it:

(a) Concerns a State that is not a party to the Protocol;

(b) Is not in writing;

(c) Is anonymous.

Rule 57

List and register of communications

1. The Secretary-General shall maintain a permanent register of all communications submitted for consideration by the Committee under article 2 of the Optional Protocol.

2. The Secretary-General shall prepare lists of the communications submitted to the Committee, together with a brief summary of their contents.

Rule 58

Request for clarification or additional information

1. The Secretary-General may request clarification from the author of a communication, including:

(a) The name, address, date of birth and occupation of the victim and verification of the victim's identity;

(b) The name of the State party against which the communication is directed;

(c) The objective of the communication;

(d) The facts of the claim;

(e) Steps taken by the author and/or victim to exhaust domestic remedies;

(f) The extent to which the same matter is being or has been examined under another procedure of international investigation or settlement;

(g) The provision or provisions of the Convention alleged to have been violated.

2. When requesting clarification or information, the Secretary-General shall indicate to the author or authors of the communication a time limit within which such information is to be submitted.

3. The Committee may approve a questionnaire to facilitate requests for clarification or information from the victim and/or author of a communication.

4. A request for clarification or information shall not preclude the inclusion of the communication in the list provided for in rule 57 above.

5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and in particular that, provided that the individual or individuals consent to the disclosure of her identity to the State party concerned, the communication will be brought confidentially to the attention of that State party.

Rule 59

Summary of information

1. A summary of the relevant information obtained with respect to each registered communication shall be prepared and circulated to the members of the Committee by the Secretary-General at the next regular session of the Committee.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon that member's request.

Rule 60

Inability of a member to take part in the examination of a communication

1. A member of the Committee may not take part in the examination of a communication if:

(a) The member has a personal interest in the case;

(b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;

(c) The member is a national of the State party concerned.

2. Any question that may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Rule 61

Withdrawal of a member

If, for any reason, a member considers that she or he should not take part or continue to take part in the examination of a communication, the member shall inform the Chairperson of her or his withdrawal.

Rule 62

Establishment of working groups and designation of rapporteurs

1. The Committee may establish one or more working groups, each comprising no more than five of its members, and may designate one or more rapporteurs to make recommendations to the Committee and to assist it in any manner in which the Committee may decide.

2. In the present part of the rules, reference to a working group or rapporteur is a reference to a working group or rapporteur established under the present rules.

3. The rules of procedure of the Committee shall apply as far as possible to the meetings of its working groups.

Rule 63

Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

2. A working group or rapporteur may also request the State party concerned to take such interim measures as the working group or rapporteur considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

3. When a request for interim measures is made by a working group or rapporteur under the present rule, the working group or rapporteur shall forthwith thereafter inform the Committee members of the nature of the request and the communication to which the request relates.

4. Where the Committee, a working group or a rapporteur requests interim measures under this rule, the request shall state that it does not imply a determination of the merits of the communication.

Rule 64

Method of dealing with communications

1. The Committee shall, by a simple majority and in accordance with the following rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. A working group may also declare that a communication is admissible under the Optional Protocol, provided that it is composed of five members and all of the members so decide.

Rule 65

Order of communications

1. Communications shall be dealt with in the order in which they are received by the Secretariat, unless the Committee or a working group decides otherwise.

2. The Committee may decide to consider two or more communications jointly.

Rule 66

Separate consideration of admissibility and merits

The Committee may decide to consider the question of admissibility of a communication and the merits of a communication separately.

Rule 67

Conditions of admissibility of communications

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group, shall apply the criteria set forth in articles 2, 3 and 4 of the Optional Protocol.

Rule 68

Authors of communications

1. Communications may be submitted by individuals or groups of individuals who claim to be victims of violations of the rights set forth in the Convention, or by their designated representatives, or by others on behalf of an alleged victim where the alleged victim consents.

2. In cases where the author can justify such action, communications may be submitted on behalf of an alleged victim without her consent.

3. Where an author seeks to submit a communication in accordance with paragraph 2 of the present rule, she or he shall provide written reasons justifying such action.

Rule 69

Procedures with regard to communications received

1. As soon as possible after the communication has been received, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, working group or rapporteur shall bring the communication confidentially to the attention of the State party and shall request that State party to submit a written reply to the communication.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility of the communication.

3. Within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee a written explanation or statement that relates to the admissibility of the communication and its merits, as well as to any remedy that may have been provided in the matter.

4. The Committee, working group or rapporteur may request a written explanation or statement that relates only to the admissibility of a communication but, in such cases, the State party may nonetheless submit a written explanation or statement that relates to both the admissibility and the merits of a communication, provided that such written explanation or statement is submitted within six months of the Committee's request.

5. A State party that has received a request for a written reply in accordance with paragraph 1 of he present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1.

6. If the State party concerned disputes the contention of the author or authors, in accordance with article 4, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims in the particular circumstances of the case.

7. Submission by the State party of a request in accordance with paragraph 5 of the present rule shall not affect the period of six months given to the State party to submit its written explanation or statement unless the Committee, working group or rapporteur decides to extend the time for submission for such a period as the Committee considers appropriate.

8. The Committee, working group or rapporteur may request the State party or the author of the communication to submit, within fixed time limits, additional written explanations or statements relevant to the issues of the admissibility or merits of a communication.

9. The Committee, working group or rapporteur shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.

Rule 70

Inadmissible communications

1. Where the Committee decides that a communication is inadmissible, it shall, as soon as possible, communicate its decision and the reasons for that decision through the Secretary-General to the author of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible may be reviewed by the Committee upon receipt of a written request submitted by or on behalf of the author or authors of the communication, containing information indicating that the reasons for inadmissibility no longer apply.

3. Any member of the Committee who has participated in the decision regarding admissibility may request that a summary of her or his individual opinion be appended to the Committee's decision declaring a communication inadmissible.

Rule 71

Additional procedures whereby admissibility may be considered separately from the merits

1. Where the issue of admissibility is decided by the Committee or a working group before the State party's written explanations or statements on the merits of the communication are received, that decision and all other relevant information shall be submitted through the Secretary-General to the State party concerned. The author of the communication shall, through the Secretary-General, be informed of the decision.

2. The Committee may revoke its decision that a communication is admissible in the light of any explanation or statements submitted by the State party.

Rule 72

Views of the Committee on admissible communications

1. Where the parties have submitted information relating both to the admissibility and to the merits of a communication, or where a decision on admissibility has already been taken and the parties have submitted information on the merits of that communication, the Committee shall consider and shall formulate its views on the communication in the light of all written information made available to it by the author or authors of the communication and the State party concerned, provided that this information has been transmitted to the other party concerned.

2. The Committee or the working group set up by it to consider a communication may, at any time in the course of the examination, obtain through the Secretary-General any documentation from organizations in the United Nations system or other bodies that may assist in the disposal of the communication, provided that the Committee shall afford each party an opportunity to comment on such documentation or information within fixed time limits.

3. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

4. The Committee shall not decide on the merits of the communication without having considered the applicability of all of the admissibility grounds referred to in articles 2, 3 and 4 of the Optional Protocol.

5. The Secretary-General shall transmit the views of the Committee, determined by a simple majority, together with any recommendations, to the author or authors of the communication and to the State party concerned.

6. Any member of the Committee who has participated in the decision may request that a summary of her or his individual opinion be appended to the Committee's views.

Rule 73

Follow-up to the views of the Committee

1. Within six months of the Committee's issuing its views on a communication, the State party concerned shall submit to the Committee a written response, including any information on any action taken in the light of the views and recommendations of the Committee.

2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned to submit further information about any measures the State party has taken in response to its views or recommendations.

3. The Committee may request the State party to include information on any action taken in response to its views or recommendations in its subsequent reports under article 18 of the Convention.

4. The Committee shall designate for follow-up on views adopted under article 7 of the Optional Protocol a rapporteur or working group to ascertain the measures taken by States parties to give effect to the Committee's views and recommendations.

5. The rapporteur or working group may make such contacts and take such action as may be appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.

6. The rapporteur or working group shall report to the Committee on follow-up activities on a regular basis.

7. The Committee shall include information on any follow-up activities in its annual report under article 21 of the Convention.

Rule 74

Confidentiality of communications

1. Communications submitted under the Optional Protocol shall be examined by the Committee, working group or rapporteur in closed meetings.

2. All working documents prepared by the Secretariat for the Committee, working group or rapporteur, including summaries of communications prepared prior to registration and the list of summaries of communications, shall be confidential unless the Committee decides otherwise.

3. The Committee, working group or rapporteur shall not make public any communication, submissions or information relating to a communication prior to the date on which its views are issued.

4. The author or authors of a communication or the individuals who are alleged to be the victim or victims of a violation of the rights set forth in the Convention may request that the names and identifying details of the alleged victim or victims (or any of them) not be published.

5. If the Committee, working group or rapporteur so decides, the name or names and identifying details of the author or authors of a communication or the individuals who are alleged to be the victim or victims of a violation of rights set forth in the Convention shall not be made public by the Committee, the author or the State party concerned.

6. The Committee, working group or rapporteur may request the author of a communication or the State party concerned to keep confidential the whole or part of any submission or information relating to the proceedings.

7. Subject to paragraphs 5 and 6 of the present rule, nothing in this rule shall affect the right of the author or authors or the State party concerned to make public any submission or information bearing on the proceedings.

8. Subject to paragraphs 5 and 6 of the present rule, the Committee's decisions on admissibility, merits and discontinuance shall be made public.

9. The Secretariat shall be responsible for the distribution of the Committee's final decisions to the author or authors and the State party concerned.

10. The Committee shall include in its annual report under article 21 of the Convention a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned, and of its own suggestions and recommendations.

11. Unless the Committee decides otherwise, information furnished by the parties in follow-up to the Committee's views and recommendations under paragraphs 4 and 5 of article 7 of the Optional Protocol shall not be confidential. Unless the Committee decides otherwise, decisions of the Committee with regard to follow-up activities shall not be confidential.

Rule 75

Communiqués

The Committee may issue communiqués regarding its activities under articles 1 to 7 of the Optional Protocol, through the Secretary-General, for the use of the information media and the general public.

XVII. PROCEEDINGS UNDER THE INQUIRY PROCEDURE OF THE OPTIONAL PROTOCOL

Rule 76

Applicability

Rules 77 to 90 of the present rules shall not be applied to a State party that, in accordance with article 10, paragraph 1, of the Optional Protocol, declared at the time of ratification or accession to the Optional Protocol that it does not recognize the competence of the Committee as provided for in article 8 thereof, unless that State party has subsequently withdrawn its declaration in accordance with article 10, paragraph 2, of the Optional Protocol.

Rule 77

Transmission of information to the Committee

In accordance with the present rules, the Secretary General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

Rule 78

Register of information

The Secretary-General shall maintain a permanent register of information brought to the attention of the Committee in accordance with rule 77 of the present rules and shall make the information available to any member of the Committee upon request.

Rule 79

Summary of information

The Secretary-General, when necessary, shall prepare and circulate to members of the Committee a brief summary of the information submitted in accordance with rule 77 of the present rules.

Rule 80

Confidentiality

1. Except in compliance with the obligations of the Committee under article 12 of the Optional Protocol, all documents and proceedings of the Committee relating to the conduct of the inquiry under article 8 of the Optional Protocol shall be confidential.

2. Before including a summary of the activities undertaken under articles 8 or 9 of the Optional Protocol in the annual report prepared in accordance with article 21 of the Convention and article 12 of the Optional Protocol, the Committee may consult with the State party concerned with respect to the summary.

Rule 81

Meetings related to proceedings under article 8

Meetings of the Committee during which inquiries under article 8 of the Optional Protocol are considered shall be closed.

Rule 82

Preliminary consideration of information by the Committee

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 8 of the Optional Protocol and may obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether the information received contains reliable information indicating grave or systematic violations of rights set forth in the Convention by the State party concerned.

3. The Committee may request a working group to assist it in carrying out its duties under the present rule.

Rule 83

Examination of information

1. If the Committee is satisfied that the information received is reliable and indicates grave or systematic violations of rights set forth in the Convention by the State party concerned, the Committee shall invite the State party, through the Secretary-General, to submit observations with regard to that information within fixed time limits.

2. The Committee shall take into account any observations that may have been submitted by the State party concerned, as well as any other relevant information.

3. The Committee may decide to obtain additional information from the following:

(a) Representatives of the State party concerned;

(b) Governmental organizations;

(c) Non-governmental organizations;

(d) Individuals.

4. The Committee shall decide the form and manner in which such additional information will be obtained.

5. The Committee may, through the Secretary-General, request any relevant documentation from the United Nations system.

Rule 84

Establishment of an inquiry

1. Taking into account any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to make a report within a fixed time limit.

2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.

3. Taking into account the Convention, the Optional Protocol and the present rules of procedure, the members designated by the Committee to conduct the inquiry shall determine their own methods of work.

4. During the period of the inquiry, the Committee may defer the consideration of any report that the State party concerned may have submitted pursuant to article 18 of the Convention.

Rule 85

Cooperation of the State party concerned

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.

2. The Committee may request the State party concerned to nominate a representative to meet with the member or members designated by the Committee.

3. The Committee may request the State party concerned to provide the member or members designated by the Committee with any information that they or the State party may consider relates to the inquiry.

Rule 86

Visits

1. Where the Committee deems it warranted, the inquiry may include a visit to the territory of the State party concerned.

2. Where the Committee decides, as a part of its inquiry, that there should be a visit to the State party concerned, it shall, through the Secretary-General, request the consent of the State party to such a visit.

3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow those members designated by the Committee to conduct the inquiry to carry out their task.

Rule 87

Hearings

1. With the consent of the State party concerned, visits may include hearings to enable the designated members of the Committee to determine facts or issues relevant to the inquiry.

2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated members of the Committee visiting the State party in connection with an inquiry, and the State party concerned.

3. Any person appearing before the designated members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony and the confidentiality of the procedure.

4. The Committee shall inform the State party that it shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry or with meeting the designated members of the Committee conducting the inquiry.

Rule 88

Assistance during an inquiry

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with an inquiry, including during a visit to the State party concerned, the designated members of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Convention as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.

2. Where such interpreters or other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

Rule 89

Transmission of findings, comments or suggestions

1. After examining the findings of the designated members submitted in accordance within rule 84 of the present rules, the Committee shall transmit the findings, through the Secretary-General, to the State party concerned, together with any comments and recommendations.

2. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, within six months of their receipt.

Rule 90

Follow-up action by the State party

1. The Committee may, through the Secretary-General, invite a State party that has been the subject of an inquiry to include, in its report under article 18 of the Convention, details of any measures taken in response to the Committee's findings, comments and recommendations.

2. The Committee may, after the end of the period of six months referred to in paragraph 2 of rule 89 above, invite the State party concerned, through the Secretary-General, to inform it of any measures taken in response to an inquiry.

Rule 91

Obligations under article 11 of the Optional Protocol

1. The Committee shall bring to the attention of the States parties concerned their obligation under article 11 of the Optional Protocol to take appropriate steps to ensure that individuals under their jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee under the Optional Protocol.

2. Where the Committee receives reliable information that a State party has breached its obligations under article 11, it may invite the State party concerned to submit written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 11 are fulfilled.

PART FOUR

Interpretative rules

XVIII. INTERPRETATION AND AMENDMENTS

Rule 92

Headings

For the purpose of the interpretation of the present rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Rule 93

Amendments

The present rules may be amended by a decision of the Committee taken by a two-thirds majority of the members present and voting, and at least twenty-four (24) hours after the proposal for the amendment has been circulated, provided that the amendment is not inconsistent with the provisions of the Convention.

Rule 94

Suspension

Any of the present rules may be suspended by a decision of the Committee taken by a two-thirds majority of the members present and voting, provided such suspension is not inconsistent with the provisions of the Convention and is restricted to the circumstances of the particular situation requiring the suspension.